

1 - INTRODUCTION

PURPOSE

The purpose of this guidance manual is to provide assistance to local government staff for the implementation of the buffer modification provisions of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations). Local Bay Act program administrators should use this document when working with riparian landowners on buffer establishment, management, and restoration issues. This guidance manual has the potential to greatly enhance local administration of the Regulations through improved riparian buffer management strategies, thereby protecting and, in some cases, helping to improve the water quality of the Chesapeake Bay and its tributaries. Although this manual was written specifically for Tidewater Virginia localities, it may also serve as a resource for other communities interested in riparian buffer protection and management.

PROJECT BACKGROUND

The Regulations require that a vegetated buffer area not less than 100-feet wide be located adjacent to and landward of all tidal shores, tidal wetlands, certain associated non-tidal wetlands, and along both sides of all water bodies with perennial flow. These aquatic features, along with the 100-foot buffer area, comprise the Resource Protection Area (RPA) and serve a direct water quality function by reducing excess sediment, nutrients, and potentially harmful or toxic substances from groundwater and surface water entering the Chesapeake Bay and its tributaries. Riparian buffers also help to reduce the magnitude and frequency of periodic flood surges, provide critical habitat to terrestrial and aquatic species, stabilize stream banks, and provide recreational, aesthetic, and economic benefits.

Since the original adoption of the Regulations in 1989, the Chesapeake Bay Local Assistance Department, now a part of the Department of Conservation and Recreation, has noticed significant impacts to riparian buffers in the Tidewater region. Many of these impacts are a direct result of unmanaged buffer activities within the 100-foot buffer portion of the RPA. Under the Regulations, vegetation in the 100-foot buffer must be preserved if present and established where it does not exist. However, the Regulations



permit a property owner to modify the buffer by removing vegetation for the following reasons: (i) to provide for reasonable sight lines, (ii) the construction of access paths, (iii) general woodlot management, and (iv) shoreline erosion control projects. However, these permitted buffer modifications raise many administrative and technical issues for local government staff. If buffer modifications are not implemented and monitored correctly, these actions have the potential to impair the water quality functions of riparian buffers. The Department recognized that the local governments need specific guidance on how to interpret and implement the sections of the Regulations that address buffer establishment, conservation, restoration, and modification.

The Department sought funds to provide for riparian buffer research and the eventual development of a formal guidance manual that could be distributed to local governments in the Tidewater region. In October 2001, the Department was awarded a grant from the U.S. Forest Service (through the Chesapeake Bay Program's Forestry Workgroup) to undertake the *Riparian Buffer Project*. The primary goals were (1) to promote the establishment and conservation of riparian forest buffers within Tidewater localities through the development and distribution of informational materials and (2) to publish a buffer guidance manual. A Buffer Issues Committee was formed and included staff from Tidewater local governments and the Department. The committee met several times, discussed the major riparian buffer issues, and assisted with the development of this manual. A Technical Committee was also established to assist with the more technical aspects of the project such as buffer planning, design, and establishment (planting). A list of the contributing members for this project can be found in Appendix H of this manual.

USING THE MANUAL

This guidance manual is intended to provide assistance to local governments in the administration of the buffer modification provisions of the Chesapeake Bay Preservation Act Regulations. This manual primarily focuses on buffer modifications (alteration of buffer vegetation) rather than development-related buffer encroachments. The Department has published several guidance documents that cover permitted development in Resource Protection Areas, buffer encroachments, and expansion of non-conforming uses.

There are 84 different local governments in Tidewater Virginia, each with its own means of implementing the Bay Act. The intent of this manual is to provide guidance that is general enough to accommodate various settings and situations, but specific enough to be useful to local staff. The “Recommended Procedures for Local Government” sections found in the chapters provide suggested guidance on administrative procedures for handling buffer modifications. The information in this manual represents the minimum standards for consistency with the Regulations, although there are other alternatives available to local governments that would satisfy the intent of the Bay Act. Before implementing procedures or policies that may conflict with this official Department guidance, the local government should contact DCR to determine if such alternatives are a consistent application of the Regulations.

As you read through this manual, you will notice that there are no in-depth discussions of buffer encroachments for silviculture, agriculture, or development. These topics are covered in other DCR guidance documents that are available on the Department’s website, which is located at www.dcr.virginia.gov under Chesapeake Bay Local Assistance. You may also contact the Department at 1-800-CHES-BAY or (804) 225-3440 if you would like copies of guidance documents mailed to you.

